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October 15, 2021

VIA ECF

Honorable Stewart D. Aaron
United States District Court
Southern District of New York
500 Pearl Street
New York, New York 10007

Re: Najhim Luke v. C.O. Khalid,
21-CV-05137 (RA) (SDA)

Your Honor:

I am an Assistant Corporation Counsel in the Office of Georgia M. Pestana, Corporation Counsel of the City of New York, an interested party in this matter. I write to respectfully request that the Court *sua sponte* enlarge the time for defendant Correction Officer (“CO”) Aamir Khalid to serve responses to Plaintiff’s Interrogatories and Request for Production of Documents pursuant to Local Civil Rule 33.2 (hereinafter “Plaintiff’s Standard Discovery Requests”), from October 18 to December 17, 2021. This is the first request for an extension of this deadline. Because plaintiff is incarcerated and proceeding *pro se*, the undersigned was unable to obtain his consent to this request in an expeditious manner.

By way of background, on June 20, 2021, the Court issued an Order of Service which stated, *inter alia*, that defendant CO Khalid must serve responses to Plaintiff’s Standard Discovery Requests within 120 days of the date of that Order. (Docket Entry No. 6) Thus, CO Khalid must serve those responses by October 18, 2021.

On September 16, 2021, pursuant to a request from this Office and due to a pending investigation by the Department of Correction (“DOC”), the Court extended the deadline for CO Khalid to answer or otherwise respond to the complaint until November 19, 2021. (Docket Entry No. 13) The Court also ordered this Office to file a letter by November 15, 2021, providing an update on the status of the abovementioned DOC investigation. (Id.)

As explained in this Office’s September 16, 2021 letter, this Office is not yet able to determine — pursuant to New York General Municipal Law § 50-k — whether it may assume legal representation of CO Khalid, because the DOC’s investigation into the matter remains open.

(See Docket Entry No. 12). Accordingly, Officer Khalid remains unrepresented and, were he required to participate in discovery at this time, he could not be represented by this Office.

Accordingly, without appearing for or making any representations on behalf of defendant CO Khalid, this Office respectfully requests that the Court *sua sponte* enlarge the time for CO Khalid to serve responses to Plaintiff's Standard Discovery Requests, from October 18 to December 17, 2021.

We thank the Court for its consideration of this matter.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Jeffrey F. Frank', is written over a horizontal line.

Jeffrey F. Frank
Assistant Corporation Counsel
Special Federal Litigation Division

cc: **VIA FIRST CLASS MAIL**
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